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C O N F I D E N T I A L SECTION 01 OF 04 STATE 025671

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E.O. 12958: DECL: 03/04/2018

TAGS: [PREL](#) [PTER](#) [CO](#) [EC](#)

SUBJECT: COLOMBIA-ECUADOR DISPUTE: OAS RESOLUTION 930

Classified By: Acting PermRep Bob Manzanares; Reasons 1.4 (B) and (D)

¶1. (C) Summary. The OAS Permanent Council approved Resolution 930 on March 5 regarding the Colombia-Ecuador dispute stemming from the Colombian attack on a FARC camp on the Ecuadorian border on March 1. Resolution 930 reaffirmed the inviolability of national sovereignty, established a commission headed by OAS Secretary General Jose Miguel Insulza to travel to Colombia and Ecuador and propose resolutions to the dispute, and convoked a meeting of OAS foreign ministers on March 17 to receive SYG Insulza's report and "to examine the facts and make pertinent recommendations." Colombia met its key objective of avoiding condemnation (aided by USG refusal to join consensus on any document condemning Colombian actions); but Colombia accepted language indicating that its actions on March 1 violated international law. The preambular language of the resolution asserted that Colombian forces carried out an incursion into Ecuador's territory and that this constituted a "violation of the sovereignty and territorial integrity of Ecuador and of principles of international law." USOAS disputed the assertion that Colombia had violated international law through its actions, sought unsuccessfully to obtain modified language, and submitted a statement for the record noting the USG's disagreement with that component of the resolution.

¶2. (C) The OAS tradition of consensus (as opposed voting) complicated Ecuadorian and Venezuelan efforts to secure a condemnation of Colombia. Ecuador, prodded by Venezuela,

adopted an aggressive stance at the outset of the Special Permanent Council session, derailing a tentative agreement among South American delegations to quickly adopt language acceptable to Colombia. Colombian Permanent Representative Ospina shot back, distributing information from the captured FARC laptops to all delegations and accusing Venezuela and Ecuador of aiding the FARC. Brazil sought to play a role as honest broker, though Brazil joined most other major Latin delegations in pressing hard to condemn Colombia's alleged violation of Ecuador's national sovereignty. Venezuela, joined by Argentina and Nicaragua, sought to keep the focus solely on Colombia's incursion into Ecuador and dismissed Colombia's arguments as an effort to distract from that attack. Argentina adopted a lower profile on the second day, evidently as a result of Embassy Buenos Aires requests to the GOA to rein in its delegation. Venezuela's bullying tactics and open encouragement of a hard line by Ecuador triggered sharp reactions among other delegations and undermined their attempts to obtain a condemnation of Colombia. The easing of tensions stemming from the Rio Group Summit in Santo Domingo came as a surprise to OAS delegations and generated uncertainty as to the OAS role in managing this crisis. End Summary.

//ECUADOR LAUNCHES BROADSIDE, COLOMBIA FIRES BACK//

¶3. (SBU) The Special Meeting of the OAS Permanent Council was requested by the Ecuadorian delegation to discuss Colombia's March 1 attack on a FARC camp in Ecuadorian territory. As the OAS meeting began on March 4, the Colombian delegation informed USOAS that the ALADI Group (South American Latin delegations plus Mexico) had negotiated draft language that would avoid condemnation of Colombia and would call for an OAS mission to Colombia and Ecuador to encourage a diplomatic solution to the crisis. That tentative arrangement fell apart immediately as Ecuadorian Foreign Minister Salvador used her opening remarks to accuse Colombian President Uribe of lying to Ecuador, of killing the FARC members in their sleep, and of carrying out an unjustified violation of Ecuador's sovereignty. She noted that the events had compelled Ecuador to break diplomatic relations with Colombia and said that an apology was insufficient. Minister Salvador called upon the Permanent Council to condemn Colombia's violation of Ecuador's sovereignty, establish a fact-finding committee to investigate the events surrounding the alleged violation of Ecuador's sovereignty, and call for a consultative meeting of OAS Foreign Ministers. At several points, she emphasized Ecuador's condemnation of the FARC's methods, and Ecuador's cooperation with Colombia to control the border.

¶4. (SBU) Colombia's response was equally heated. Permanent Representative Ospina reviewed the March 1 incident and reiterated Colombia's apology for entering Ecuador's

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territory, but then attacked Ecuador and Venezuela for their coordination/cooperation with the FARC, "in violation of international law." Ospina discussed Colombia's plan to bring Venezuelan President Chavez to the International Criminal Court for alleged links to the financing of terrorists. He cited Colombian efforts at the UN as well as the OAS to condemn terrorism and cited UNSCR 1373 (2001) provisions on the "duty of states to deny refuge to those who finance, plan, facilitate or commit acts of terrorism and to impede... the use of their territory for those purposes." For his closing sound bite, Ospina mockingly lauded the "Presidents of Ecuador and Venezuela for expelling our Ambassadors, dignified representatives of a legitimate democracy. Hopefully, they will display similar valor by expelling terrorists from their territory."

//OTHER OAS MEMBERS JOIN THE FRAY//

¶5. (C) Nicaraguan PermRep Moncada spoke next, issuing a condemnation of Colombia for its "murder" of Raul Reyes who

was "on a political and diplomatic mission to establish talks between the Colombian Government and the FARC." Bolivia called for an unequivocal apology by Colombia and said the "aggrieved party should not be transformed into the aggressor." Venezuelan PermRep (and Vice FM) Valero spoke later, claiming the support of "around 25 delegations" for a condemnation of Colombia's actions. Valero urged the OAS to issue a condemnation, establish a fact-finding mission to report to a meeting of the OAS Consultation of Ministers no later than March 11. He said the Colombian charges of Venezuelan and Ecuadoran complicity with the FARC were "lamentable... diplomatic pyrotechnics based on lies" and that Colombia's action in Ecuador demonstrated that Colombia was engaged in a "genocidal war." Valero claimed that Venezuela advocated a peaceful resolution of the conflict in Colombia and said that Plan Colombia was a USG effort to involve Colombia in a continental war. He closed by reiterating Venezuela's full support for Ecuador's efforts at the OAS, rejected terrorism "in all its forms," and encouraged efforts to establish a group of friends to aid the Colombian peace process.

¶6. (SBU) Argentine PermRep Gil expressed Argentina's full support for Ecuador's draft resolution and said the focus of the OAS should be on the "flagrant violation of international law" carried out by Colombia in "unilaterally according itself the right to violate the territorial sovereignty of another state." Gil warned against heeding the "dangerous arguments" made by Colombia to justify its actions. (COMMENT: Argentina adopted a much lower profile on the second day, clearly the result of Embassy Buenos Aires' efforts to rein in Ambassador Gil. END COMMENT). Brazilian PermRep Chohfi expressed the view that Colombia's action constituted "prima facie" evidence of a violation of national sovereignty, but that there were conflicting views of what had happened, requiring the formation of a committee to look into the matter. At several points, Brazil reiterated the importance of a negotiated resolution and Brazil's readiness to facilitate such a process. Chile, Uruguay, Paraguay, Mexico, Panama, El Salvador, Peru, and Honduras each emphasized the principle of territorial sovereignty while urging a peaceful resolution. Costa Rica, Canada, and Bahamas (speaking on behalf of CARICOM) focused more on the need for restraint and for a rapid, peaceful resolution, while also advocating respect for territorial integrity.

¶7. (SBU) USOAS Acting PermRep Manzanares expressed U.S. friendship for both Colombia and Ecuador, strong USG support for Colombia's fight against terrorism and narcotics trafficking, and called for a prompt resolution of the crisis through the OAS in a manner acceptable to both Ecuador and Colombia. The USOAS statement focused on the FARC's pernicious role in the region and on previous OAS consensus agreements condemning the FARC and calling on all member states to honor their obligations to deny safehaven to terrorists. Manzanares said it was regrettable that Venezuela and Nicaragua sought to expand the scope of the matter before the Permanent Council and urged that Ecuador and Colombia be given an opportunity to resolve the matter expeditiously.

//VENEZUELA THROWS ITS WEIGHT//

¶8. (C) Given the lack of progress, the Chair of the Permanent Council then called for a smaller working group chaired by Panamanian PermRep Royo and attended by OAS SYG Insulza to work on language for an OAS consensus resolution. This

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"smaller" group was attended by most of the 34 permanent representatives and their staffs and foundered as each delegation insisted on presenting its view. When the Paraguayan delegation suggested that the Colombian and Ecuadorian representatives engage in direct negotiations with only SYG Insulza and Panamanian PermRep Royo present, Venezuela briefly resisted this arrangement, but grudgingly

acceded. However, the Colombian delegation informed USOAS that Venezuelan PermRep Valero used a side door to enter the negotiation room and urge Ecuador's delegation to force a vote by the Permanent Council on Ecuador's draft resolution. (NOTE: Given the OAS tradition of consensus decisions, calls to vote on an issue are considered highly polemical. END NOTE). A senior OAS official denied that Valero had managed to get into the negotiating room, but Valero was observed hovering near the discussions throughout the evening.

¶9. (SBU) Shortly after midnight, the Chair of the Permanent Council reconvened the session and announced that progress had been made by Ecuador and Colombia, but that there was no final agreement. He suggested that the session be suspended until the next morning to give the two sides time to conclude a text; Grenada took up that suggestion and moved that the session be suspended. However, just before the session was gavelled to a close, Venezuela interrupted and asked for a clarification of what specific points separated the two sides. Valero warned that the failure of the OAS to act would lead Venezuela to question the value of the OAS, particularly when Cuba had done much less than Colombia and had been suspended by the OAS as a result.

¶10. (C) Ecuadorian Foreign Minister Salvador seized the moment to propose an amended resolution and ask why Colombia refused to match Ecuador's concessions. Honduran PermRep Sosa aimed barbed comments at the Venezuelan delegation and suggested that Ecuador and Colombia continue working towards compromise language. After several other delegations joined Honduras, the Chair suspended the session until the next day.

(COMMENT: Rumors that Venezuela was urging a vote on Ecuador's draft resolution -- and Valero's machinations that kept the session open until 1:30 a.m. -- irritated other delegations and undermined support for Ecuador's positions. Several delegations reported that Valero had misinformed Ecuadorian FM Salvador that she had at least 20 votes on her side and did not have to compromise further on the text, which encouraged Ecuador to take a tougher line. END COMMENT).

//WORKING GROUP ACHIEVES DRAFT TEXT//

¶11. (C) By late morning on March 5, the Colombian and Ecuadorian delegations had hammered out compromise language. In the preambular language of the resolution, Colombia accepted that its actions on March 1 had violated international law, though the document did not condemn Colombia for doing so. More importantly for the Colombian delegation, the resolution termed the visit by SYG Insulza an effort to broker a resolution of the dispute rather than a strictly "fact finding mission to investigate Colombia's violation of Ecuador's sovereignty" (which was the language sought by Ecuador).

¶12. (C) After reviewing the draft text, USOAS expressed concern to the Colombian delegation about Colombia's apparent acceptance that it had violated international law and urged Colombia to consider alternative language and/or cite OAS articles and other international instruments permitting action taken in self defense. USOAS noted that the USG did not agree that Colombia's actions constituted a violation of international law. The Colombian delegation indicated that its hands were tied because President Uribe had already acknowledged and apologized for the incursion into Ecuador. Moreover, Colombia feared that if it cited self defense, this could open the door for the FARC to gain belligerent status. Also, the Colombian delegation was pleased that it had succeeded in eliminating much of the Ecuadorian language that had proved unacceptable to Colombia; therefore Colombia was reluctant to reopen the text for further changes. For its part, the Ecuadorian delegation refused to consider any modification to the text, considering it the least Ecuador could accept in view of the absence of a condemnation of Colombia. USOAS therefore opted not to block consensus on the Ecuadorian/Colombian text and to instead make a statement for the record (see para 14).

¶13. (SBU) The Chair reconvened the Permanent Council, at which point Ecuador and Colombia reiterated their respective

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positions, but expressed support for the compromise text. The operative paragraphs of Resolution 930:

-- Reaffirmed "the principle that the territory of a state is inviolable and may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatsoever." (NOTE: This is the first sentence of Article 21 of the OAS Charter. END NOTE).

-- Called for the formation of an OAS commission headed by SYG Insulza, accompanied by four ambassadors, to visit both Ecuador and Colombia, to submit a report to the Consultation of Ministers, and to "propose formulas for bringing the two nations closer together."

-- Convoked a meeting of the Consultation of Ministers on March 17 to receive the report of the OAS commission headed by Insulza and to "examine the facts and make pertinent recommendations."

¶14. (SBU) Other delegations announced their support for the resolution, with the exception of Nicaragua, whose PermRep announced that he had just been instructed by President Ortega to draw attention Colombian maritime actions that challenged Nicaragua's borders. He said that these new facts made it impossible for Nicaragua to support the language in the text. This objection was essentially ignored (though Colombia disputed the facts presented by Nicaragua) and the resolution was passed by consensus. USOAS asked that the following statement be read into the record of the session:

-- "The United notes that Colombia and Ecuador have reached conclusions reflected in 'Considerations, Paragraph 2.' Such conclusions are highly fact specific and the United States has not reached an independent judgment on the issue."

The Colombian delegation thanked the USG for its support during the negotiations, and for the U.S. Embassy's work in Buenos Aires to tone down Argentine Perm Rep Gil's support for Venezuelan positions.

//OAS COMMISSION ESTABLISHED, BUT WITHOUT CONSULTATION//

¶15. (C) Shortly thereafter SYG Insulza informed USOAS that his Commission would include the PermReps of Panama, Brazil, Peru, and Argentina. USOAS voiced objection regarding the selection of Argentina's PermRep (given his strong personal support for Venezuela's positions), the lack of consultation with all OAS regional coordinators in forming the Commission, and the absence of either a North American or Caribbean representative on the Commission. The Mexican, Canadian, and Dominican Republic delegations expressed similar dismay regarding the narrow makeup of the Commission. Insulza added the Chair of the Permanent Council (Bahamas), but did not otherwise change the makeup of the Commission.

//RIO GROUP DECLARATION//

¶16. (C) The March 7 announcement of a diplomatic breakthrough caught OAS delegations by surprise, but did not alter plans for either the visit of Insulza's commission or the March 17 meeting of the Consultation of Ministers. Insulza told reporters that the crisis required "tight closure" and to "have a collective opinion" regarding what took place on March 1. The Rio Group Declaration is likely to impact the agenda for the OAS ministerial session as there will be strong pressure to endorse the Rio Group's document, particularly a reaffirmation of the principles of national sovereignty and non-interference in the internal affairs of other states. The Department is studying the Rio Group Declaration and planning for the March 17 OAS Consultation of

Ministers.
RICE

=====CABLE ENDS=====